

House File 517

H-1146

1 Amend House File 517 as follows:

2 1. By striking page 15, line 28, through page 18,
3 line 12, and inserting:

4 <Sec. _____. Section 704.1, Code 2017, is amended by
5 striking the section and inserting in lieu thereof the
6 following:

7 **704.1 Reasonable force.**

8 As used in this chapter, "*reasonable force*" is that
9 force and no more which a reasonable person, in similar
10 circumstances, would judge to be necessary to prevent
11 an injury to oneself or another person, or to prevent
12 the loss of, or damage to, real or personal property
13 belonging to oneself or another person.

14 Sec. _____. Section 704.2, Code 2017, is amended by
15 striking the section and inserting in lieu thereof the
16 following:

17 **704.2 Legal immunity.**

18 A person who is justified in using reasonable force
19 against an aggressor in defense of oneself, another
20 person, or property is immune from criminal or civil
21 liability for all damages incurred by the aggressor
22 pursuant to the application of reasonable force.

23 Sec. _____. Section 704.3, Code 2017, is amended by
24 striking the section and inserting in lieu thereof the
25 following:

26 **704.3 Defense of self or others.**

27 A person is justified in the use of reasonable
28 force, including deadly force, when the person
29 reasonably believes that such force is necessary for
30 either of the following purposes:

31 1. To prevent the imminent use of unlawful force
32 against oneself or another person.

33 2. To defend oneself or another person against the
34 present use of unlawful force.

35 Sec. _____. Section 704.4, Code 2017, is amended by

1 striking the section and inserting in lieu thereof the
2 following:

3 **704.4 Deadly force.**

4 As used in this section, the term "*deadly force*"
5 means either of the following:

6 1. Force used for the purpose of causing death.

7 2. Force which the user knows or reasonably should
8 know will create a strong probability that death will
9 result.

10 Sec. _____. Section 704.5, Code 2017, is amended by
11 striking the section and inserting in lieu thereof the
12 following:

13 **704.5 Defense of property.**

14 1. A person is justified in the use of reasonable
15 force to prevent or terminate criminal interference
16 with the person's real or personal property, or to aid
17 another in the lawful defense of the other person's
18 real or personal property.

19 2. For purposes of this section, reasonable force
20 does not include deadly force.

21 Sec. _____. Section 704.6, Code 2017, is amended by
22 striking the section and inserting in lieu thereof the
23 following:

24 **704.6 No duty to retreat.**

25 A person has no duty to retreat before using
26 reasonable force in the justified defense of self,
27 others, or property unless doing so entails no risk to
28 the safety of the person or others, and doing so does
29 not require the person to abandon or retreat from the
30 person's dwelling and appurtenance thereto or from the
31 person's business or place of employment.

32 Sec. _____. Section 704.7, Code 2017, is amended by
33 striking the section and inserting in lieu thereof the
34 following:

35 **704.7 When defense is not available.**

1 The defense of justification is not available to the
2 following:

3 1. A person who is participating in a forcible
4 felony, riot, or duel.

5 2. A person who provokes the use of force against
6 oneself with the intent to use such use of force as an
7 excuse to inflict injury on the assailant.

8 3. One who initially provokes the use of force
9 against oneself by one's unlawful acts, except under
10 the following circumstances:

11 a. Such force is grossly disproportionate to the
12 provocation.

13 b. The person withdraws from physical contact with
14 the other and indicates clearly to the other that the
15 person desires to terminate the conflict but the other
16 continues or resumes the use of force.>

17 2. Page 21, after line 14 by inserting:

18 <DIVISION ____

19 MISCELLANEOUS PROVISIONS

20 Sec. ____ . NEW SECTION. 148.15 **Death.**

21 A physician or a person acting on the direct orders
22 of a physician who ceases to provide medical attention
23 to a person who is dead, as death is defined in
24 section 702.8, shall not be criminally liable for such
25 cessation of medical attention.

26 Sec. ____ . NEW SECTION. 704A.1 **Compulsion.**

27 An act, other than an act by which one intentionally
28 or recklessly causes physical injury to another, shall
29 not be a public offense if the person so acting is
30 compelled to do so by another's threat or menace of
31 serious injury, provided that the person reasonably
32 believes that such injury is imminent and can be
33 averted only by the person doing such act.

34 Sec. ____ . NEW SECTION. 804.32 **Escape from place**
35 **of confinement.**

1 A correctional officer or peace officer is justified
2 in using reasonable force, including deadly force,
3 which is necessary to prevent the escape of any
4 person from any jail, penal institution, correctional
5 facility, or similar place of confinement, or place
6 of trial or other judicial proceeding, or to prevent
7 the escape from custody of any person who is being
8 transported from any such place of confinement, trial
9 or judicial proceeding to any other such place, except
10 that deadly force, as defined in section 704.4, may
11 not be used to prevent the escape of one who the
12 correctional officer or peace officer knows is confined
13 on a charge or conviction of any class of misdemeanor.

14 Sec. ____ . NEW SECTION. **804.33 Police activity.**

15 1. A peace officer or person acting as an agent
16 of or directed by any police agency who participates
17 in the commission of a crime by another person solely
18 for the purpose of gathering evidence leading to the
19 prosecution of such other person shall not be guilty of
20 that crime or of the crime of solicitation as set forth
21 in section 705.1, provided that all of the following
22 are true:

23 a. The officer or person is not an instigator of
24 the criminal activity.

25 b. The officer or person does not intentionally
26 injure a nonparticipant in the crime.

27 c. The officer or person acts with the consent
28 of superiors, or the necessity of immediate action
29 precludes obtaining such consent.

30 d. The officer's or person's actions are reasonable
31 under the circumstances.

32 2. This section is not intended to preclude the
33 use of undercover or surveillance persons by law
34 enforcement agencies in appropriate circumstances and
35 manner. It is intended to discourage such activity to

1 tempt, urge, or persuade the commission of offenses by
2 persons not already disposed to commit offenses of that
3 kind.

4 Sec. _____. NEW SECTION. 804.34 Use of force in
5 making an arrest.

6 A peace officer or other person making an arrest
7 or securing an arrested person may use such force as
8 is permitted by sections 804.8, 804.10, 804.13, and
9 804.15.

10 Sec. _____. REPEAL. Sections 704.8, 704.9, 704.10,
11 704.11, and 704.12, Code 2017, are repealed.>

12 3. By renumbering as necessary.

WOLFE of Clinton